

REMARKS

The present Amendment is in response to the Examiner's Office Action mailed March 30, 2007. Claims 6 and 14 are canceled, claim 1 is amended, and new claims 22 and 23 are added. Claims 1-5, 7-13, and 15-23 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

I. CLAIM OBJECTIONS

The Examiner objects to claims 15-20 for informalities. The Applicant has amended the claims to correct the informalities and respectfully requests that the objections be withdrawn.

II. PRIOR ART REJECTIONS

A. Rejection Under 35 U.S.C. §102(a)

The Examiner rejects claim 21 under 35 U.S.C. § 102(a)¹ as being anticipated by *Andrews et al.* (United States Patent No. 6,464,402). Because *Andrews* does not teach or suggest each and every element of the rejected claims, Applicants respectfully traverse this rejection in view of the following remarks.

¹ Because *Andrews* is only citable under 35 U.S.C. § 102(a) Applicants do not admit that *Andrews* is in fact prior art to the claimed invention but reserve the right to swear behind *Andrews* if necessary to remove it as a reference.

The Examiner has not shown that the portion 64 receives an LC, ST, SC, or FC connector as alleged. On page 2 of the Office Action the Examiner identifies portion 64 in Figure 11 as a recess. According to the Examiner on page 3 of the Office Action, "the recess [is] configured to receive a LC, ST, SC or FC connector (column 2, lines 42-48)...." However, *Andrews* indicates that the LC connector is received by the adapter 63 (col. 8, lines 15-17) and the Examiner has not shown that *Andrews* discloses that the LC connector is received by element 64 as opposed to inside element 63 as described by *Andrews*. As such, the Examiner has not shown that *Andrews* teaches each and every element of claim 21 and the Applicant respectfully requests that the rejection of claim 21 be withdrawn.

Moreover, the Examiner has not shown that *Andrews* teaches that a second outer perimeter in *Andrews* receives an LC, ST, SC, or FC connector in a friction-fit engagement as set forth in claim 21. According to the Examiner on page 3, "the outer perimeter receives the LC, ST, SC, or FC connector is a friction-fit engagement (Fig. 13; column 7, line 40-49)."

Figure 13 is reproduced below:

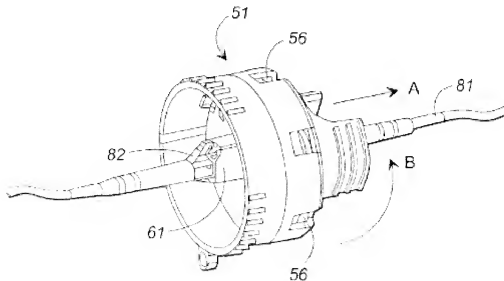


FIG. 13

Column 7, lines 40-49 recite the following:

With reference to FIG. 11, which is a cross-section of tool 51 along the lines A--A of FIG. 10, member 52 has a wall 58 therein, formed by disc member 59 which has a connector adapter 61 affixed thereto on one side. Extending from the other side of disc 59 is a split sleeve 62, preferably of a ceramic material, held within

adapter 61, for receiving the ferrule of a connector mounted in adapter 61. Sleeve 62 also receives the ferrule of a connector mounted in a second adapter 63 which is affixed to a wall 64 of a movable member 66. Disc member 59 has a circular array of locating holes 67 surrounding a locating ring 68 which seats in a circular groove 69 wall 64 of member 66.

The Applicant is unable to locate teachings in Figure 13 or column 7, lines 40-49 of *Rogstadius* that disclose that recess 64 includes a second outer perimeter that is configured to receive an LC, ST, SC, or FC connector in a friction-fit engagement as alleged. As such, a *prima facie* case of anticipation has not been set forth for this reason as well and the Applicant respectfully requests that the rejection of claim 21 be withdrawn.

B. Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 1-5 and 7-9 under 35 U.S.C. § 103 as being unpatentable over *Rogstadius et al.* (U.S. Patent No. 4,666,243). The Examiner rejects claims 10-13 and 15-20 under 35 U.S.C. § 103 as being unpatentable over *Rogstadius* in view of *Andrews*. The Applicants respectfully traverse the rejections of claims 1-5, 7-13, and 15-20 as the Examiner has failed to address each and every element of the claims, the Examiner has made allegations of what is “well known” or “common” without evidentiary support, the Examiner has not shown a likelihood of success for the proposed modification of *Rogstadius*, and the proposed modification of *Rogstadius* would render *Rogstadius* unsatisfactory for its intended purpose – precise and secure concentric adjustment of fiber optic endfaces.

Rogstadius discloses an “optical joint that enables a concentric displacement of fiber ends in relation to each other for providing an adjustable gap between the end surfaces as well as fixation of the fibre ends in this position.” Col. 1, lines 21-25 (emphasis added); also compare Figures 1 and 2. The joint includes a guide sleeve 1 and end sleeves 4 and 5. One of the end sleeves 4 is prevented from undergoing axial displacement, but the other end sleeve 5 includes internal threads 9 which allow the end sleeve 5 to be axially displaced towards and away from the end sleeve 4 to adjust the light attenuation to a desired degree. Col. 2, lines 1-14. A locking sleeve 10 includes corresponding threads and is screwed in until it engages the end sleeve 5 acting as a locking nut. Col. 2, lines 14-19.

First, claims 1 and 10 require that the friction fit engagement be between a ferrule and “a surface of a first internal perimeter” or a “first portion” respectively. In *Rogstadius*, it is the element identified by the Examiner as the post (“post being a portion of element ‘5’ near the element ‘7’ as shown in Fig. 2”) that engages the element identified as a ferrule (“‘13’ Fig. 2”) not the portion identified by the Examiner as a first internal perimeter (“portion of ‘10’ farthest from element ‘5’”). Therefore, not only does *Rogstadius* fail to disclose a friction-fit engagement as admitted by the Examiner, *Rogstadius* also does not disclose any kind of physical connection, whether threaded or not, between a ferrule and “a surface of a first internal perimeter” or a “first portion” as set forth in claims 1 and 10 respectively. Therefore, the Applicant respectfully requests that the rejections of claims 1-5, 7-13, and 15-20 be withdrawn.

Second, the Examiner has made various allegations of what is “well known” or “common” in the art without evidentiary support. According to MPEP 2144.03A, “It is never appropriate to rely solely on “common knowledge” in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based. Zurko, 258 F.3d at 1385, 59 USPQ2d at 1697 (“[T]he Board cannot simply reach conclusions based on its own understanding or experience—or on its assessment of what would be basic knowledge or common sense. Rather, the Board must point to some concrete evidence in the record in support of these findings.”).” The Examiner must provide evidentiary support for what is considered “well known” or the rejections must be withdrawn. Thus, a conclusory statement is insufficient to support a *prima facie* case of obviousness and the Applicants respectfully request that the rejections of claims 1-5, 7-13, and 15-20 be withdrawn.

Finally, according to the Examiner it would have been obvious to replace the screw element 7 in Figure 2 with a friction-fit engagement for “quick and precise alignment of fiber optic components that are easy to disengage and quickly re-connect.” In direct contrast to these assertions by the Examiner, *Rogstadius* teaches that threads are used for precise and secure concentric alignment and displacement of fiber ends to control an adjustable gap between the end surfaces. See col. 1, lines 21-25. The Examiner has not shown that such precise and secure control would be retained from a friction-fit engagement.

Rather, the teachings of *Rogstadius* appear to be in direct contrast to the proposed modification by the Examiner. As opposed to the need for quick disengagement as alleged by the Examiner, *Rogstadius* appears to be concerned with precise and secure control of a

concentric gap between the end faces of optical fibers to control attenuation. *Rogstadius* further discloses the use of the locking sleeve 10 to affix the gap at the desired position. Thus, the Applicant respectfully asserts that one of ordinary skill in the art would not be motivated to modify *Rogstadius* by replacing a threaded coupling configured to secure an optical fiber in a particular position with a friction-fit engagement that is readily disengaged as suggested by the Examiner.

In fact, *Rogstadius* discloses the desirability of affixing the ends sleeves 4 and 5 in a secure set and locked position, which is in direct contrast to the Examiner's allegation that one would be motivated to use a friction-fit engagement for quick and easy connection and disengagement. Therefore, the Applicants respectfully request that the rejections of claims 1-5, 7-13, and 15-20 be withdrawn for these reasons as well.

With regard to claims 4 and 11, the Applicant respectfully also notes that the end of element 5 identified by the Examiner as a post (identified by the Examiner as element 5) does not terminate substantially in alignment with at least a portion of a termination region (identified by the Examiner as disposed on the locking sleeve 10) as alleged by the Examiner. Thus, the Applicant respectfully requests that the rejections of claims 4 and 11 be withdrawn for this reason as well.

III. NEW CLAIMS

Claims 22 and 23 have been added and depend from claims 21 and 10 respectively. Therefore, claims 22 and 23 are believed to be allowable for at least the same reasons as claims 21 and 10.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 9th day of July, 2007.

Respectfully submitted,

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